

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE	:	CHAPTER 13
ANTHONY J. OLIVERI, JR.	:	
DEBRA LYNN OLIVERI	:	
Debtor(s)	:	CASE NO. 5-23-BK-02286 MJC
	:	
JACK N. ZAHAROPOULOS	:	
CHAPTER 13 TRUSTEE	:	
Movant	:	

AMENDED NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss with Prejudice for Failure to Appear at §341(a) Meetings pursuant to your Chapter 13 bankruptcy filing.

If you object to the relief requested, you must file your objection/response on or before April 16, 2024 with the Clerk of Bankruptcy Court:

Max Rosenn U.S. Courthouse
197 South Main Street, Room 274
Wilkes-Barre, PA 18701

and serve a copy on the Chapter 13 Trustee for the Middle District of Pennsylvania:

Jack N. Zaharopoulos
Office of the Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036.

If you file and serve an objection/response within the time permitted, a hearing will be held on **May 2, 2024 at 10:00 AM at the U.S. Courthouse, 197 S. Main St. Wilkes-Barre, PA.** If you do not file an objection/response within the time permitted the Court will deem the motion unopposed and proceed to consider the motion without further notice or hearing, and may grant the relief requested.

Date: April 2, 2024

/s/ Agatha R. McHale, Esquire
Attorney ID: 47613
Attorney for Trustee
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: amchale@pamd13trustee.com

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JACK N. ZAHAROPOULOS	:	
CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs.	:	
	:	
ANTHONY J. OLIVERI, JR.	:	
DEBRA LYNN OLIVERI	:	
Respondent(s)	:	

TRUSTEE’S MOTION TO DISMISS CASE WITH PREJUDICE

AND NOW, on April 2, 2024, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, who, by and through his Attorney, Agatha R. McHale, Esquire, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice pursuant to § 1307(c), due to their serial filings and their failure to appear at several § 341(a) meetings. Specifically, the Trustee alleges and avers:

1. The Debtors failed to appear at the following § 341(a) meetings scheduled in this case:
 - a. § 341(a) meeting on March 25, 2024 at 10:30 a.m.;
 - b. § 341(a) meeting on February 26, 2024 at 11:00 a.m.;
 - c. § 341(a) meeting on January 8, 2024 at 11:00 a.m.;
 - d. § 341(a) meeting on December 18, 2024 at 10:30 a.m.; and
 - e. § 341(a) meeting on November 13, 2023 at 9:30 a.m..
2. As for the Debtors’ previous cases, Debtors have filed petitions docketed to the following cases:

Case Number: 5-23-01212-MJC

Counsel: PRO SE

Filing Date: 05/31/2023

Total Payments: \$0.00

Result: Dismissal for failure to comply with Order

Date Dismissed: 6/16/2023

Chapter 13

Case Number: 5-23-00810-MJC

Counsel: PRO SE

Filing Date: 04/13/2023

Total Payments: \$0.00

Result: Dismissal for failure to file a complete list of creditors

Date Dismissed: 5/18/2023

Chapter 13

Case Number: 5-19-00548-RNO

Counsel: PRO SE

Filing Date: 02/07/2019

Total Payments: \$0.00

Result: Dismissal for failure to file a complete list of creditors

Date Dismissed: 03/15/2019

Chapter 13

3. Movant believes and avers that, under the totality of the circumstances, Debtors have demonstrated substantial abuse and a lack of good faith in their serial filings as well as their failure to appear for five (5) §341(a) meetings.

Notice and other instructions are included with this Motion to Dismiss with Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Dismiss this case in accordance with 11 U.S.C. §1307; and
2. Dismiss this case with prejudice with regard to Debtors filing a subsequent Petition under the Bankruptcy Code in this District without prior leave of this Court for a period of 180 days from the entry of this Dismissal.

Respectfully submitted:

/s/ Agatha R. McHale, Esquire

Attorney ID: 47613

Attorney for Trustee

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

Email: amchale@pamd13trustee.com

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on April 2, 2024, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by First Class Mail from Hummelstown, PA, unless served electronically.

Michael A. Cibik, Esq.	Served electronically
Cibik Law, PC	
1500 Walnut Street, Suite 900	
Philadelphia, PA 19102	
<i>Attorney for Debtor</i>	

United States Trustee	Served electronically
228 Walnut Street, Suite 1190	
Harrisburg, PA 17101	

SERVED VIA FIRST CLASS MAIL

U.S. Bankruptcy Court	(p)CCO MORTGAGE CORP
Max Rosenn U.S. Courthouse	10561 TELEGRAPH RD
197 South Main Street Wilkes-	GLEN ALLEN VA 23059-4577
Barre, PA 18701-1500	

Capital One	Capital One N.A.	(p)CITIZENS BANK N A
P.O. Box 30285	by American InfoSource as agent	ATTN BANKRUPTCY TEAM
Salt Lake City, UT 84130-0285	PO Box 71083	ONE CITIZENS BANK WAY JCA115
	Charlotte, NC 28272-1083	JOHNSTON RI 02919-1922

Citizens Bank, N.A.	Citizens Bank, N.A.	Comenity Bank/Express
10561 Telegraph Rd.	c/o	Attn: Bankruptcy
Glen Allen, VA 23059-4577	McCabe, Weisberg & Conway,	PO Box 182125
	LLC 1420 Walnut Street, Suite	Columbus, OH 43218-2125
	1501	
	Philadelphia, PA 19102-4015	

Comenity Capital
Attn: Bankruptcy
PO Box 182125
Columbus, OH 43218-2125

ComenityCapital/Boscov
Attn: Bankruptcy Dept
PO Box 182125
Columbus, OH 43218-2125

(p)CONTINENTAL FINANCE COMPANY
PO BOX 3220
BUFFALO NY 14240-3220

Dallas School District
2000 Conyngham Ave
Dallas, PA 18612-9288

Discover Financial
Attn: Bankruptcy
PO Box 3025
New Albany, OH 43054-3025

First Premier Bank
Attn: Bankruptcy
PO Box 5524
Sioux Falls, SD 57117-5524

Internal Revenue Service
Centralized Insolvency
Operation
PO Box 7346
Philadelphia, PA 19101-7346

Kingston Township
180 E Center St
Shavertown, PA 18708-1514

LVNV Funding LLC c/o
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Luzerne County Tax Claim
Bureau
c/o Elite Revenue Solutions
200 North River Street Wilkes
Barre, PA 18711-1004

Midland Credit Management, Inc.
PO Box 2037
Warren, MI 48090-2037

(p)PENNSYLVANIA OFFICE
OF ATTORNEY GENERAL
ATTN ATTENTION
FINANCIAL ENFORCEMENT
SECTION
STRAWBERRY SQUARE
15TH FLOOR
HARRISBURG PA 17120-0001

Pennsylvania Department of
Revenue
Bankruptcy Division
1 Revenue Pl
Harrisburg, PA 17129-0001

Pennsylvania Office of General Counsel
333 Market St Fl 17
Harrisburg, PA 17101-2210

(p)PORTFOLIO RECOVERY
ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Quantum3 Group LLC as agent for
Galaxy International Purchasing
LLC
PO Box 788
Kirkland, WA 98083-0788

Quantum3 Group LLC as agent for
Genesis FS Card Services Inc
PO Box 788
Kirkland, WA 98083-0788

(p)MRV BANKS
871 STE GENEVIEVE DR
STE GENEVIEVE MO 63670-
1406

Total VISA
Attn: Bankruptcy
P.O. Box 84930
Sioux Falls, SD 57118-4930

U.S. Attorney, Middle District of Pa.
235 N Washington Ave Ste 311
Scranton, PA 18503-1533

U.S. Department of Justice 950
Pennsylvania Ave NW
Washington, DC 20530-0009

United States Trustee
US Courthouse
1501 N. 6th St
Harrisburg, PA 17102-1104

Anthony J. Oliveri Jr.
105 Carverton Rd
Trucksville, PA 18708-1746

Debra Lynn Oliveri
105 Carverton Rd
Trucksville, PA 18708-1746

(p)JACK N ZAHAROPOULOS
ATTN CHAPTER 13 TRUSTEE
8125 ADAMS DRIVE SUITE A
HUMMELSTOWN PA 17036-
8625

Michael A. Cibik
Cibik Law, P.C.
1500 Walnut Street
Suite 900
Philadelphia, PA 19102-3518

CO Mortgage Corp.
Attn: Bankruptcy
10561 Telegraph Rd
Glen Allen, VA 23059

Citizens Bank
Attn: Bankruptcy
One Citizens Dr
Providence, RI 02903

Continental Finance Company
Attn: Bankruptcy
PO Box 8099
Newark, DE 19714-8099

Pennsylvania Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120

Portfolio Recovery Associates, LLC
PO Box 41067
Norfolk, VA 23541-1067

(d)Portfolio Recovery Associates, LLC
POB 12914
Norfolk VA 23541

REVVI
Attn: Bankruptcy PO Box5800
Sioux Falls, SD 57118-5800

/s/Tammy Life
Office of Jack N. Zaharopoulos
Standing Chapter 13 Trustee

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Respondent(s)	:	

ORDER DISMISSING CASE WITH PREJUDICE

Upon consideration of the Trustee's Motion to Dismiss Case with Prejudice for Failure to Appear at §341(a) Meetings, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtors are hereby BARRED from filing in this district for a period of 180 days from the date of this Order without prior Court Order.